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James Wilson

571-273-0661

Response Under 37 CFR §1.116
Expedited Procedure
Examining Group 1624

CASE ORT 1396

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed, 7 pages total) is being facsimile transmitted to Hong Liu in Group 1624, to FAX number 571 273 0669, in the Patent and Trademark Office on the date shown below.

Hesna J. Pfeiffer
Type or print name


Signature

July 7, 2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

BREITENBUCHER ET AL.

APPLICATION NO: 09/820,438

FILED: March 29, 2003

FOR: PHENYL-SUBSTITUTED INDOLES AND INDAZOLES

MS: After Final

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

AMENDMENT AFTER FINAL REJECTION
AND REQUEST FOR RECONSIDERATION AND
PETITION FOR EXTENSION OF TIME
AND AUTHORIZATION TO CHARGE
DEPOSIT ACCOUNT THEREFOR

Sir:

This is in response to the Final Rejection dated March 25, 2004; response to which is due on July 25, 2004, with one-month's extension. An appropriate extension of time request for one (1) month, until July 25, 2004, is enclosed.

Review of Applicant's remarks, entry of the amendment, and reconsideration of the rejection is respectfully requested. In the alternative, the Examiner is respectfully requested to enter the papers for the purposes of appeal.

Under the provisions of Rule 116 and MPEP 714.12, the following response, being filed by facsimile transmission, which is believed to respond fully to the issues raised in the Final Rejection, is requested to be entered. Review of this amendment by the Examiner will not present any unreasonable burden, or necessitate an additional search. The Patent Examiner is respectfully requested to reconsider the rejection in light of the amendments and arguments contained herein and allow the claims and pass the case to issue. The amendments contained herein could not have been earlier presented. Applicants have reviewed the rejection and their application and believe that the arguments herein presented are responsive to the rejection and place the case in condition for allowance.

Amendments to the Claims are reflected in the listing of the Claims, which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

Amendments to the Claims: